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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,412	12/27/2001	Gaetan L. Mathieu	20206-18	2559
7590	04/08/2004		EXAMINER	
Woodard, Emhardt, Naughton, Moriarty and McNett Bank One Center/Tower Suite 3700 111 Monument Circle Indianapolis, IN 46204-5137			NGUYEN, VINH P	
			ART UNIT	PAPER NUMBER
			2829	
			DATE MAILED: 04/08/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/034,412	MATHIEU, GAETAN L.	
	Examiner	Art Unit	
	VINH P NGUYEN	2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 16-18 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 0803.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

1. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is unclear what “means for transmitting energy to said probe card” represents. It appears that this energy transmitting means is not shown in elected species of figure 8.

In claims 3 and 8, it is unclear what “an optical sensor” represents. It appears that this optical sensor is not shown in figure 8.

In claim 5, it is unclear what “means for data communication” represents. It appears that this data communication data means is not shown in figure 8.

In claim 13, it is unclear what “means for measuring a distance”, “means for transmitting energy to said probe card”, “means for electrically signaling in response..”. It appears that these means are not shown in figure 8.

In claim 15, it is unclear what “a temperature sensor” represents. It appears that this data communication data means is not shown in figure 8.

The dependent claims not specifically address share the same indefiniteness as they depend from rejected base claims.

2. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It appears that figure 8 does not have support for “means for transmitting energy to said probe card to selectively deflect said probe card to control the geometric planarity of said probe card”.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of “means for transmitting energy to said probe card” as recited in claim 1, the feature of “an optical sensor” as recited in claim 3 & 8, the feature of “a temperature sensor” as recited in claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. Applicants argue that claims 16-18 should be rejoined and examined along with claims 1-15 since they are linked to a generic claim that read on figure 8 and other figures. This argument is not found persuasive because Applicants fail to show how claims 16-18 are read on elected species of figure 8. Examiner still believes that these claims are not read on elected species of figure 8 and do not have support in figure 8 because figure 8 does not have a stiffener element attached to a face of the probe card, means for facilitating radial expansion/contraction of the probe card and a multilayer element with first and second layers having different rates of

expansion per unit of energy. Therefore these claims are properly withdrawn from consideration.

Furthermore, it appears that Applicants' remarks about the questionable items under the rejections of 35 USC,112,1st & 2nd do not show or have supports in the species of figure 8, therefore they are properly rejected under 35 U.S.C. 112,1st and 2nd paragraphs.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH P NGUYEN whose telephone number is (521)272-1964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


VINH P. NGUYEN
PRIMARY EXAMINER
ART UNIT 2829
